Attorney Docket No.: H0001757 D3 Division 3 of Serial No. 10/001,337 Preliminary Amendment

## **REMARKS/ARGUMENTS**

Claims 1-23 and 30-44 have been cancelled. Claims 24-29 are presented as originally presented in the parent application of which the present application is a Divisional. Claims 45-56 are newly presented.

The parent application of which the present application is a Divisional was subject to a first Restriction Requirement mailed on November 14, 2002, that divided the claims into a first group of claims 1-29 and 37-44 drawn to a "A testing device" and "A method for determining energy released," and a second group of claims 30-36 drawn to "A bimetallic actuator." Claims 1-29 and 37-44 were elected in response filed on December 10, 2002, in which the Applicant reserved the right to pursue non-elected claims 30-36 in one or more Divisional applications.

The elected claims in the parent application of which the present application is a Divisional were subjected to a second Restriction Requirement mailed on February 26, 2003, that divided elected claims 1-29 and 37-44 into a first group of claims 1-8 drawn to "A method for determining an amount of energy released by a thermally responsive snap-action bimetallic actuator," a second group of claims 9-16 and 37-44 drawn to "Determining force," and "A device for testing force," a third group of claims 17-23 drawn to "A method for determining energy," and a fourth group of claims 24-29 drawn to "An energy measuring device." Claims 9-16 and 37-44 were elected in response filed on April 19, 2003, in which the Applicant reserved the right to pursue non-elected claims 1-8, claims 17-23 and claims 24-29 in one or more Divisional applications.

Previously non-elected claims 24-29 are presented in a Divisional application filed herewith that claims benefit of the parent application filed on October 19, 2001. This Preliminary Amendment is directed to the Divisional application filed herewith wherein previously non-elected claims 24-29 are presented. This Preliminary Amendment cancels claims 9-16 and 37-44 that are presented the allowed parent application and further cancels previously non-elected claims 1-8, non-elected claims 17-23 and non-elected claims 30-36.

Additionally, this Preliminary Amendment presents new claims 45-56 that are drawn to the invention recited in currently elected claims 24-29, but are different in scope.

The invention as recited in newly presented claims 45-56 is fully supported by the Specification, Figures and Claims of the application as originally filed. No new matter is added.

The claims being in form for allowance, allowance is respectfully requested.

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**Preliminary Amendment** 

If the Examiner has questions or wishes to discuss any aspect of the case, the Examiner is encouraged to contact the undersigned at the telephone number given below.

Respectfully submitted,

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